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09/644,764	08/23/2000	Deborah Tate Welsh	30010-A	2695

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EXAMINER

NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/644,764

Applicant(s)

WELSH, DEBORAH TATE

Examiner

Dustin Nguyen

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 – 25 are presented for consideration.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. Claims 12-15, and 17-25 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Claims 12-15, which are program product claimed, depend on claim 10, which is method claimed. Claims 17-25, which are apparatus claimed, depend on claim 15, which is program product claim.

- B. The following terms lack antecedent basis:

I. the owner - Claims 1, 3, 11, 12, 16, 17.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7-11, 14, 15, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fehr [US Patent No 5,036,610], in view of Frankel et al. [US Patent No 6,449,611].

6. As per claim 1, Fehr discloses a method of locating a lost pet, the method comprising the steps of:

prompting a pet owner to provide pet information relating to their pet, including an identifier, and contact information for the pet owner [col 4, lines 9-23 and lines 51-61];

storing the pet information and the contact information in a computer-readable memory accessible by a host computer [Figure 1; col 2, lines 4-10 and lines 43-53];

providing an information reference device to accompany the pet, the information reference device communicating lost pet information about the pet, including the identifier, for reuniting the pet with the owner [col 1, lines 65-col 2, lines 4];

comparing in the host computer the lost pet information entered by the person who found the pet to the pet information provided by the pet owner in an attempt to find a match [col 3, lines 3-10; and col 4, lines 62-67]; and

if a match is found, providing the person who found the lost pet with the contact information for the pet owner [col 2, lines 47-53; and col 5, lines 1-6].

Fehr does not specifically disclose

allowing a person who finds the pet to access the host computer via a communication network and to enter the lost pet information provided by the information reference device.

Frankel discloses

allowing a person who finds the pet to access the host computer via a communication network [col 6, lines 2-9] and to enter the lost pet information provided by the information reference device [40-48, Figure 1; and col 6, lines 21-31; and col 6, lines 67-col 7, lines 18].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fehr and Frankel because Frankel's teaching of a communication network would allow the system of Fehr to immediately disseminate information globally pertaining to lost goods [col 2, lines 65-col 3, lines 7].

7. As per claim 7, Fehr discloses the information reference device being a collar.[Figure 3; and col 1, lines 21-27].

8. As per claim 8, Frankel discloses the communication network including the Internet [Abstract].

9. As per claim 9, Fehr discloses the pet information being information selected from the group consisting of a veterinarian's name for the pet, the veterinarian's phone number, a licensing agency, a number from a rabies tag for the pet, a year that the pet was vaccinated, an indication of a pet type for the pet, an indication of a breed of the pet, a color of the pet, a date the pet was found, and a location where the pet was found [col 4, lines 15-24].

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10. As per claim 10, Fehr discloses the contact information being information selected from the group consisting of the pet owner's name, the pet owner's address, the pet owner's telephone number, a veterinarian for the pet, the veterinarian's address, and the veterinarian's phone number [col 4, lines 9-24].

11. As per claim 11, it is program product claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

12. As per claims 14 and 15, they are program product claimed of claims 9 and 10, they are rejected for similar reasons as stated above in claims 9 and 10.

13. As per claim 16, it is apparatus claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

14. As per claims 22-25, they are apparatus claimed of claim 7-10, they are rejected for similar reasons as stated above in claims 7-10.

15. Claims 2-6, 12, 13, 17-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fehr [US Patent No 5,036,610], in view of Frankel et al. [US Patent No 6,449,611], and further in view of Shorrocks et al. [US Patent No 6,283,065].

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16. As per claim 2, Fehr and Frankel do not specifically disclose the pet being vaccinated for rabies, the identifier being based upon the rabies vaccination, and the information reference device being a rabies tag worn by the pet. Shorrock discloses the pet being vaccinated for rabies, the identifier being based upon the rabies vaccination, and the information reference device being a rabies tag worn by the pet [col 1, lines 14-26]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fehr, Frankel and Shorrock because Shorrock's teaching would provide all the necessary information about the pet for easy recovery process.

17. As per claim 3, Fehr and Frankel do not specifically disclose the option of allowing the owner to license the pet with a municipality. Shorrock discloses the option of allowing the owner to license the pet with a municipality [col 4, lines 7-31]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Fehr, Frankel and Shorrock because Shorrock's teaching would allow to improve the method of tracking lost pet.

18. As per claim 4, Shorrock discloses the information reference device being a municipal license tag [col 1, lines 21-23].

19. As per claim 5, Shorrock discloses the information reference device being a microchip implanted in the pet [col 4, lines 2-6].

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20. As per claim 6, Fehr discloses the information device being a tattoo appearing on the pet's skin [col 4, lines 14-15].

21. As per claims 12 and 13, they are program product claimed of claims 3 and 2, they are rejected for similar reasons as stated above in claims 3 and 2.

22. As per claims 17-21, they are apparatus claimed of claims 2-6, they are rejected for similar reasons as stated above in claims 2-6.

23. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen


ZARNI MAUNG
PRIMARY EXAMINER